



Montgomery Park to Hollywood Transit and Land Use Development Strategy

Northwest Plan - Discussion Draft Volume 2: Zoning Code Amendments

December 2021



THE BUREAU OF
**PLANNING &
SUSTAINABILITY**

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Carmen Rubio, *Commissioner in-charge*
Dan Ryan, *Commissioner*

Portland Planning and Sustainability Commission

Jeff Bachrach; Johnell Bell; Jessica Gittemeier; Katie Larsell; Oriana Magnera; Valeria McWilliams;
Steph Routh (Vice Chair); Gabe Sheoships; Eli Spevak (Chair); Erica Thompson

Bureau of Planning and Sustainability

Carmen Rubio, Mayor, Commissioner-in-charge
Andrea Durbin, Director
Joe Zehnder, Chief Planner (former)

BPS Project Staff

Eric Engstrom, Principal Planner
Barry Manning, Senior Planner, BPS project manager
Nicholas Starin, City Planner II

Project Team Members

Mauricio Leclerc, Supervising Planner – Portland Bureau of Transportation (PBOT)
Julia Reed, Project Manager; Zef Wagner, Kate Drennan, Project Managers (former) – PBOT
Mike Serritella – Transportation Planner - PBOT
Dan Bower, Andrew Plambeck - Portland Streetcar Inc. (PSI)
Joana Filgueiras - Prosper Portland
Brian Harper - Metro

Project Consultant Team

James McGrath, Julia Reed (former), Lauren Squires – Nelson/Nygaard
Tyler Bump, Michelle Anderson – EcoNorthwest
Marc Asnis, Yao Lu – Perkins & Will

Other Staff Acknowledgements

Shannon Buono, Carmen Piekarski, Neil Loehlein, Gaby Jenkins, Joellen Skonberg, Eden Dabbs, Tom
Armstrong, Cassie Ballew, Nikoyia Phillips, Ryan Curren – BPS; Lisa Abuaf – Prosper Portland

NW Portland Project Working Group

Brian Ames, Kashea Kilson-Anderson, Stephanie Basalyga, Raymond Becich, Reza Farhoodi, Craig Hamilton, Dalton Humann, Jen Macias, Greg Madden, Joy Pearson, Steve Pinger, Stephen Ramos, Phil Selinger, Mike Stonebreaker, Jordan Winkler, Alexandra Zimmermann

Community Engagement Assistance (CBO Grantees)

Friendly House, Inc.

Northwest Industrial Business Association and Columbia Corridor Association

Hollywood Senior Center and Urban League of Portland

Micro Enterprise Services of Oregon

Technical Advisors

Jamie Jeffrey, Teresa Montalvo, Gena Gastaldi, April Bertelsen, Jennie Tower - PBOT

Lora Lillard, Steve Kountz - BPS

Benjamin Nielsen - BDS

Jamie Snook - TriMet

Kate Hibsichman, BES

Jessica Connor, Matt Tschabold – PHB

Maya Agarwal – PPR

Mike Saling – PWB

Glen Bolen - ODOT

Joana Filgueiras - Prosper Portland

Dan Bower, Andrew Plambeck - Portland Streetcar

Hector Ruiz-Rodriguez, Paul Jennings – PFB

OEHR (invited)

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Section I: Introduction

Project Summary

This report contains amendments to the Portland zoning code intended to implement changes to future land use in NW Portland resulting from the Montgomery Park to Hollywood Transit and Land Use Development Strategy.

Commentary describing each amendment can be found on the facing pages next to the zoning code amendments in this report.

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Section II: Zoning Code Amendments

This section presents staff proposed zoning code amendments. The section is formatted to facilitate readability by showing draft code amendments on the right-hand pages and related commentary on the facing left-hand pages.

Commentary

Introduction

Adds Chapter 33.590 Vaughn-Nicolai Plan District to this list.

Title 33, Planning and Zoning

List of Chapters

Introduction

Plan Districts

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| | 562 Northwest Plan District |
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| | 566 Portland International Raceway Plan District |
| | 567 Powell Boulevard Plan District |
| | 570 Rocky Butte Plan District |
| | 575 Sandy Boulevard Plan District |
| | 580 South Auditorium Plan District |
| | 583 St. Johns Plan District |
| | 585 Swan Island Plan District |
| | <u>590 Vaughn-Nicolai Plan District</u> |

[No other changes to List of Chapters]

Commentary

Contents

Adds Chapter 33.590 Vaughn-Nicolai Plan District to this list.

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[No other changes to Table of Contents]

Commentary

Plan Districts 500s

Adds Chapter 33.590 Vaughn-Nicolai Plan District to this list.

500s

Plan Districts

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- 33.508 Cascade Station/Portland International Center (CS/PIC) Plan District
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- 33.561 North Interstate Plan District
- 33.562 Northwest Plan District
- 33.563 Northwest Hills Plan District
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Commentary

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Language to be **deleted** is shown in ~~strikethrough~~

- 33.565 Portland International Airport Plan District
- 33.566 Portland International Raceway Plan District
- 33.567 Powell Boulevard Plan District
- 33.570 Rocky Butte Plan District
- 33.575 Sandy Boulevard Plan District
- 33.580 South Auditorium Plan District
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- 33.590 Vaughn-Nicolai Plan District

A list of symbols that appear on the Official Zoning Maps and their corresponding Zoning Code chapters is contained in the front of the Zoning Code, following the Table of Contents, under “Index of Symbols on the Official Zoning Maps”.

Commentary

33.531.010 Purpose

This text is being deleted as it will no longer apply in the plan district due to amendments to the plan boundary and Subdistrict B.

33.531 Guild’s Lake Industrial Sanctuary Plan District

531

Sections:

General

33.531.010 Purpose

33.531.020 Where the Regulations Apply

Use Regulations

33.531.100 Purpose

33.531.110 Additional Use Limitations in the IH Zone

33.531.120 Additional Prohibited Uses

33.531.130 Additional Regulations in Subdistrict A

~~33.531.140 Additional Regulations in Subdistrict B~~

Map 531-1 Guild’s Lake Industrial Sanctuary Plan District and Subdistricts

~~Map 531-2 Subdistrict B~~

33.531.010 Purpose

The Guild’s Lake Industrial Sanctuary plan district fosters the preservation and growth of this premier industrial area adjacent to Portland’s central city. The plan district’s large number of well-established industrial firms are dependent on the area’s multimodal transportation system, including marine, rail, and trucking facilities, and on the ability of area streets to accommodate truck movements. Because of its proximity to inner-city neighborhoods with high concentrations of commercial and residential uses, the Guild’s Lake Industrial Sanctuary is particularly vulnerable to impacts from, and redevelopment to, nonindustrial uses. The provisions of the plan district recognize that the displacement of industrial uses by inappropriate nonindustrial uses potentially threatens the integrity of this district and investments in public and private infrastructure. The provisions of this chapter protect the area from incompatible uses which threaten the district’s integrity, stability and vitality and compromise its transportation system. ~~This chapter also includes provisions to ensure a more pedestrian and transit-oriented streetscape along NW Vaughn Street and an improved interface with the mixed-use neighborhood to the south.~~

Commentary

33.531.140 Additional Regulations in Subdistrict B

This section is being deleted as the area it refers to in the plan district is being removed from the *Guild's Lake Industrial* plan district and included in the new *Vaughn-Nicolai* plan district.

33.531.140 Additional Regulations in Subdistrict B

A. Purpose. ~~These regulations minimize conflicts between industrial operations in the Guild's Lake Industrial Sanctuary and the mixed-use neighborhood to the south. Uses are limited or prohibited that may conflict with nearby industrial and residential uses or that can overburden the area's transportation system. These regulations provide additional flexibility in the siting of the limited amount of Office uses allowed in the subdistrict, while preserving overall Office use limitations. The regulations also limit blank walls on the ground level of buildings to encourage a continuity of active uses along street frontages and to avoid a monotonous pedestrian environment. Parking access is limited along NW Vaughn Street to minimize impacts on the transportation system and to reduce conflicts with pedestrians.~~

B. Where these regulations apply. ~~These regulations apply to sites in an EG zone within Subdistrict B, shown on Map 531-2.~~

C. Additional limited uses.

- ~~1. Retail Sales And Service uses limitation. Retail Sales And Service uses are allowed if the net building area plus the exterior display and storage area is not more than 10,000 square feet per site.~~
- ~~2. Office use limitation. Except for sites with Historic Landmarks, Office uses are allowed if the net building area devoted to Office uses is not more than the total square footage of the site. On a site with a Historic Landmark, Office uses are allowed if the net building area devoted to Office uses is not more than twice the total square footage of the site.~~

D. Additional prohibited uses. ~~The following uses are prohibited:~~

- ~~1. Quick Vehicle Servicing;~~
- ~~2. Commercial Outdoor Recreation; and~~
- ~~3. Major Event Entertainment.~~

E. Development standards.

- ~~1. Maximum floor area ratios. Half the floor area used for parking is not counted toward maximum floor area ratios.~~
- ~~2. Maximum height. The maximum building height is 65 feet.~~
- ~~3. Building coverage. The maximum building coverage is 100 percent.~~
- ~~4. Minimum landscaped area. There is no minimum landscaped area.~~

Commentary

5. ~~Transfer of floor area. The amount of floor area allowed to be in Office use on the portion of a site within Subdistrict B may be transferred to the portion of another site within Subdistrict B, if all of the following are met:~~
 - a. ~~Development on the receiving site must meet all development standards except for the amount of floor area in office use, which is increased to allow the amount transferred;~~
 - b. ~~Transfer of Office floor area may involve only one transferring site and one receiving site; and~~
 - c. ~~The property owner(s) must execute a covenant with the City that is attached to and recorded with the deed of both the site transferring and the site receiving the floor area reflecting the respective increase and decrease of potential Office use floor area. The covenant must meet the requirements of Section 33.700.060.~~
 6. ~~Setbacks and main entrances. There is no minimum building setback. Sites are subject to the maximum setback standards and main entrance standards of the EG1 zone.~~
 7. ~~Ground floor windows. The ground floor of all street-facing façades that are 20 feet or closer to a street lot line adjacent to NW Vaughn Street must meet the ground floor window standards of the EX zone.~~
 8. ~~Drive through facilities. Drive through facilities are prohibited.~~
 9. ~~Motor vehicle access. Motor vehicle access to a vehicle area or structure is not allowed from NW Vaughn Street unless the site has no other street frontage.~~
 10. ~~Disclosure statement. Before a building permit is issued for an Office use, the applicant must record a disclosure statement with the County. In addition, the owner must provide a copy of the disclosure statement to all prospective tenants and buyers. The disclosure statement must state that the office is located in an industrial area where impacts from industrial uses are present, such as noise, vibrations, fumes, odors, glare, traffic and freight movement. The statement is available at the Development Services Center; and~~
- F. ~~Northwest Transportation Fund bonus option.~~** Contributors to the Northwest Transportation Fund (NWTF) receive Office floor area bonuses. For each contribution to the NWTF, a bonus of one square foot of additional floor area that may be used for Office use is earned, up to an additional floor area ratio of 0.85 to 1. The amount of the contribution required for each square foot of additional floor area is in Chapter 17.19, Northwest Transportation Fund. This bonus allows additional floor area to be in Office uses; it does not increase the total amount of floor area in any use that is allowed on the site, and does not count towards the maximum FAR allowed by the base zone.
- ~~The NWTF is to be collected and administered by the Portland Office of Transportation. The funds collected may be used only to make transportation improvements in the area that will be most affected by the bonus, which is generally bounded by: NW Pettygrove Street, NW Nicolai Street, I 405, NW 27th Avenue.~~

Commentary

Map 531-1

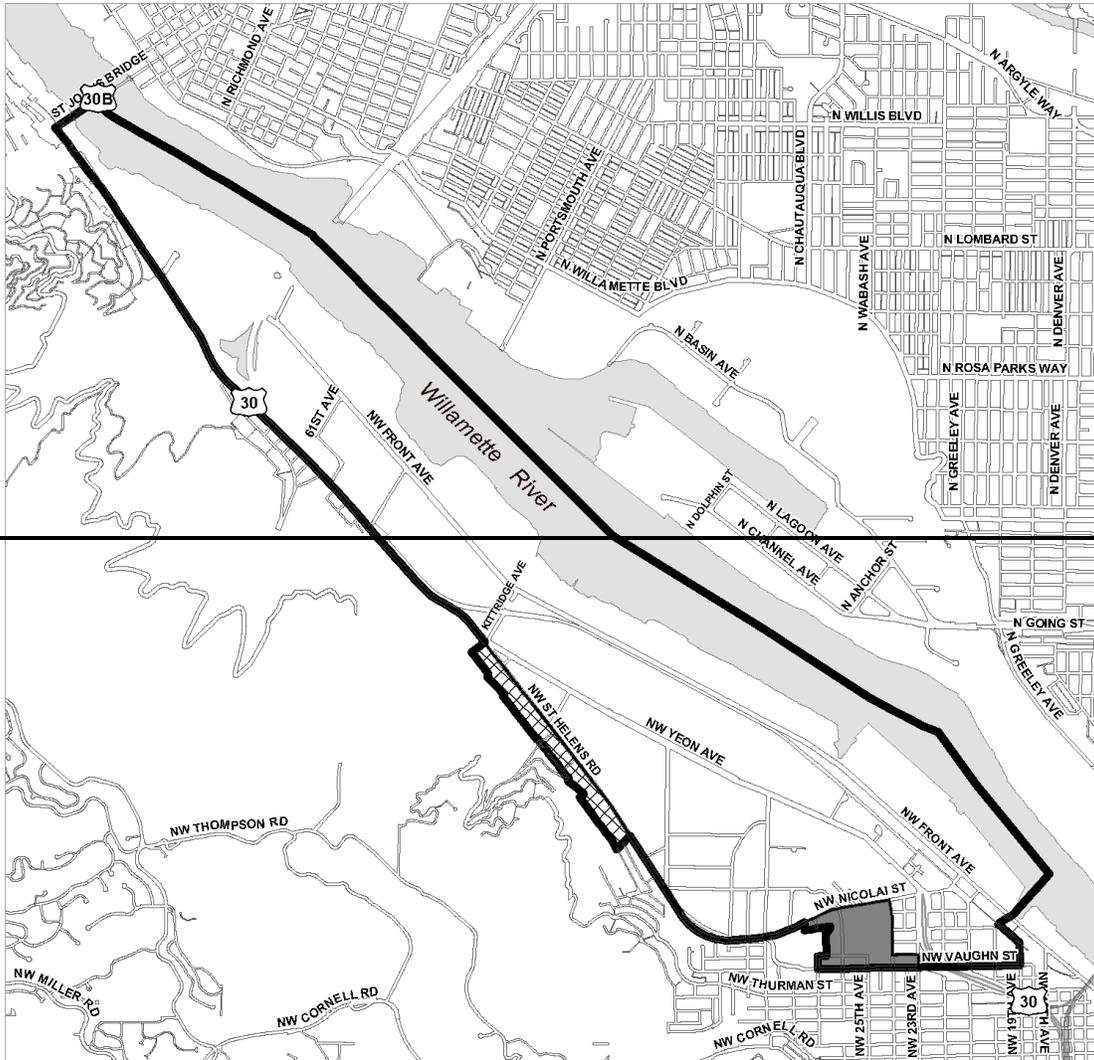
This map will be replaced with a new map that no longer includes Subdistrict B because the area that is in Subdistrict B will become part of the proposed Vaughn-Nicolai plan district.

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

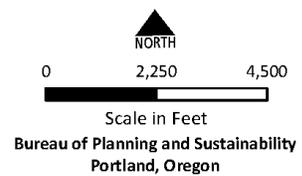
Guild's Lake Industrial Sanctuary Plan District and Subdistricts

Map 531-1

Map Revised May 24, 2018



-  Plan District Boundary
-  Subdistrict A
-  Subdistrict B



Commentary

This map replaces Map 531-1 to show the amended boundary of the Guild's Lake Industrial Sanctuary plan district and removal of Subdistrict B.

Commentary

Map 531-2 will be deleted because the area it references - Subdistrict B - is no longer part of the Guild's Lake Plan District.

Commentary

Map 562-7.

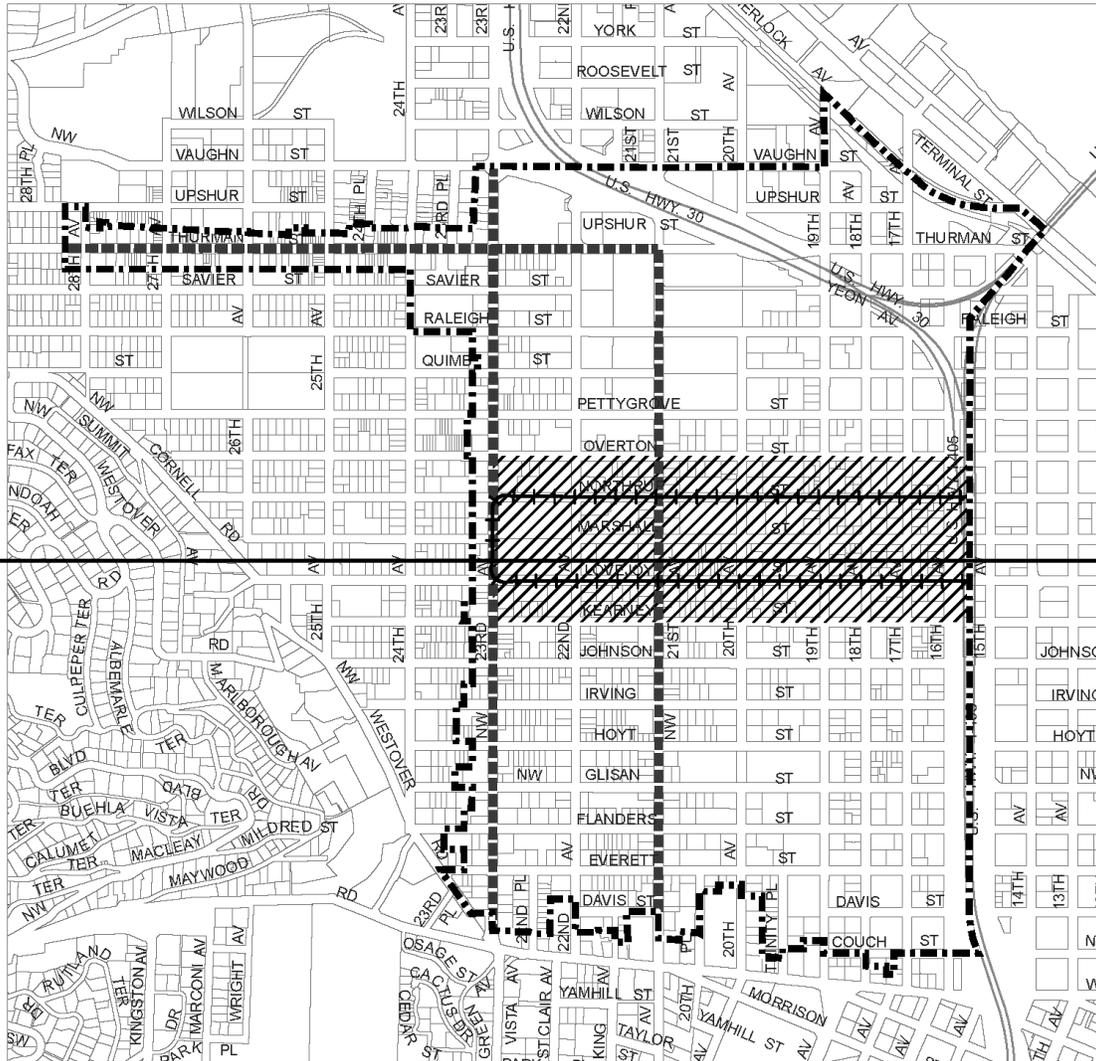
The current map is deleted and will be replaced with a new map showing the area where streetcar will be expanded along NW 23 where special development standards are applied in the Northwest Plan District.

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

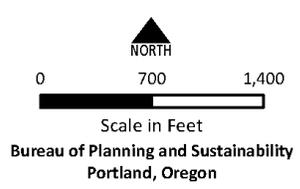
Northwest Plan District Areas with Special Development Standards

Map 562-7

Map Revised August 12, 2016



- Plan District Boundary
- Main Street
- Streetcar Alignment
- Minimum active floor area



Commentary

Map 562-7

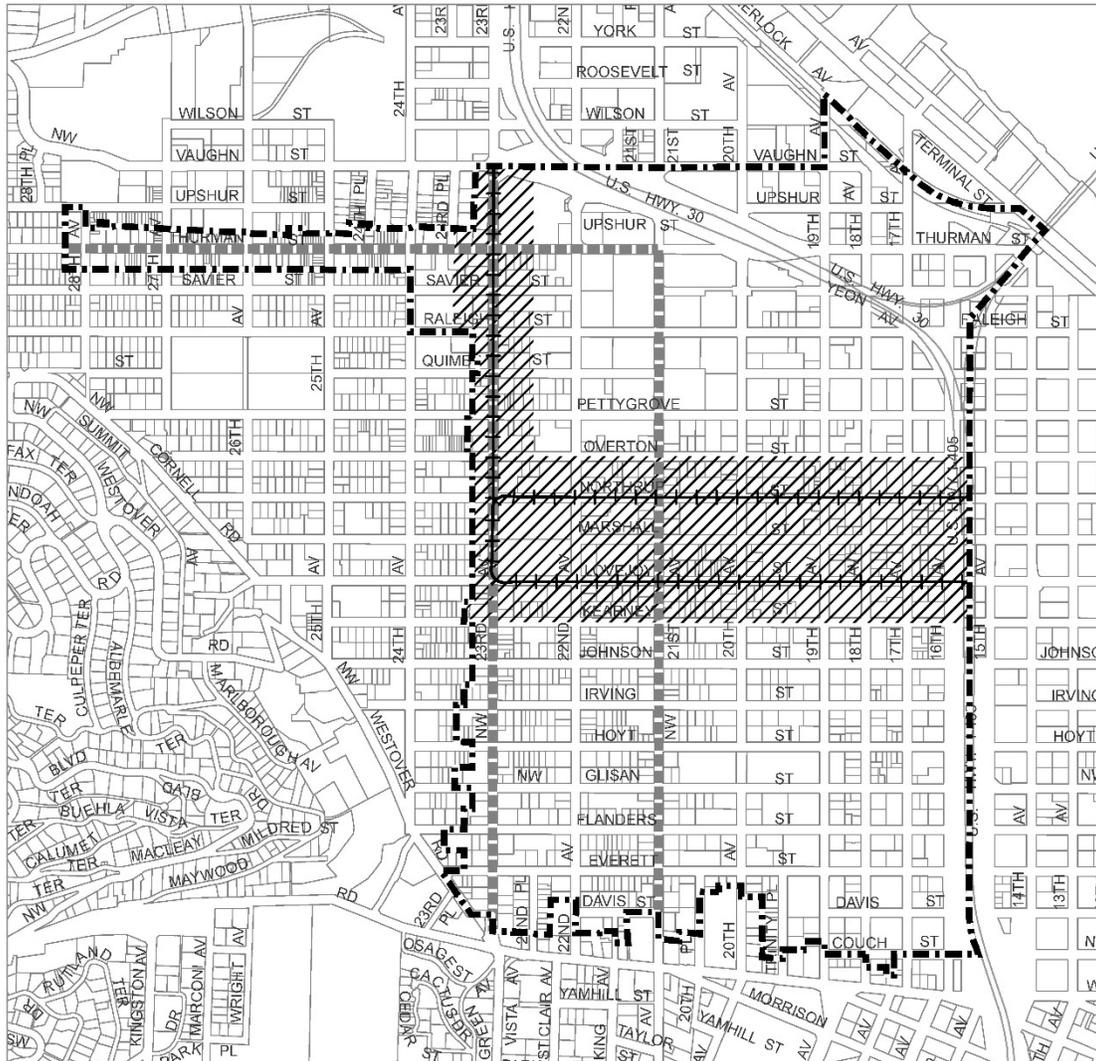
Map 562-7 is replaced with this new map showing the area where streetcar will be expanded along NW 23 where special development standards are applied in the Northwest Plan District.

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

Northwest Plan District Areas with Special Development Standards

Map 562-7

Map Revised Xxxxx XX, 202X



Legend

-  Plan District Boundary
-  Main Street
-  Streetcar Alignment
-  Minimum active floor area



Commentary

33.590 Vaughn-Nicolai Plan District

The Vaughn-Nicolai Plan District is being created to address the unique issues of the study area. This title page identifies the code sections.

33.590 Vaughn-Nicolai Plan District

590

Sections:

General

- 33.590.010 Purpose
- 33.590.020 Where These Regulations Apply
- 33.590.030 Quasi-Judicial Zoning Map Amendments

Use Regulations

- 33.590.100 Purpose
- 33.590.110 Prohibited Uses
- 33.590.120 Limited Uses
- 33.590.130 Required Ground Floor Active Use

Development Standards

- 33.590.200 Purpose
- 33.590.210 Floor Area Ratio
- 33.590.220 Maximum Height
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- 33.590.235 Minimum Residential Density
- 33.590.240 Required Affordable Commercial Space
- 33.290.245 Ground Floor Windows
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- 33.590.255 Urban Green Features
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- 33.590.270 Street and Pedestrian Connections
- 33.590.280 Transportation and Parking Demand Management
- 33.590.290 Parking
- 33.590.300 Planned Development Review

Map 590-1 Vaughn-Nicolai Plan District and Subdistricts

Map 590-2 Vaughn-Nicolai Plan District - Streetcar Alignment

Commentary

33.590.010 Purpose

The Vaughn-Nicolai Plan District is being created to address the unique and special development circumstances within the area. The area is transitioning from a formerly industrial and employment-oriented area to an area of intense residential mixed use development, office and other dense employment. The regulations are intended to foster transit-oriented development with high quality design features. The plan district is also intended to promote public benefits such as affordable housing and affordable commercial space development that might not otherwise occur without these regulations.

33.590.020 Where the Regulations Apply

The regulations of this chapter apply to sites in the Vaughn-Nicolai Plan District.

This is a new Chapter.
For ease of reading, ~~strike~~through and underline are not used.

33.590.010 Purpose

The Vaughn-Nicolai Plan District provides for a mixed use neighborhood that includes high-density residential, employment, and commercial development in a formerly industrial area. The provisions of the plan district recognize the opportunity and potential for this area to become a transit-oriented community while also supporting the existing employment and industrial uses. To this end, the regulations ensure a more pedestrian- and transit-oriented streetscape along the streetcar alignment and foster an improved interface with the mixed-use neighborhood to the south. The floor area and use limits and floor area and height allowances and bonuses promote development that provides public benefits.

33.590.020 Where the Regulations Apply

The regulations of this chapter apply to sites in the Vaughn-Nicolai plan district. The boundaries of the plan district are shown on Map 590-1 at the end of this chapter, and on the Official Zoning Maps.

Commentary

33.590.030 Quasi-judicial Zoning Map Amendments

The plan district could transition from low density employment-industrial land uses to dense mixed use and employment uses; the Comprehensive Plan Map is being changed from ME and IS to EX in some areas to facilitate this mix of future land uses. However, corresponding mixed-use or employment zoning is not implemented legislatively because the area is identified as a prime industrial area ('K' overlay zone) necessary to meet the city's industrial land supply requirements, and also requires significant transportation and other infrastructure investment to support the future land uses. To address these issues, three additional zone change criteria would need to be met to approve a request for a quasi-judicial zoning map amendment:

1. **Industrial Land supply.** In order to maintain consistency with City industrial land policy and State Goal 9, reductions to the amount of required industrial land would need to be offset through replacement or mitigation prior to implementing a zoning change. One way to mitigate that loss is to clean up/remediate contaminated industrially-zoned brownfields land and make it available for productive use. Previous studies have determined that costs for remediation of industrial brownfields may range to over \$800,000 per acre for the most challenging sites. The proposed fee is expected to address such sites. The mitigation fee would not be required if the zoning change includes a corresponding rezoning that adds a corresponding amount to the industrial land supply.
2. **The implementing EX and EG zones in conjunction with the Vaughn-Nicolai plan district** allow a dense transit-oriented future land use pattern. The ability of the district to accommodate these future land uses is predicated on the area being served by a high quality transit investment such as an extension of the Portland Streetcar, and other key transportation infrastructure improvements.
3. **The related transportation plan for the Vaughn-Nicolai plan district area** provides flexibility for uses in the area north of Roosevelt Street. Additional street connections will be required to serve development and meet city connectivity requirements. Decisions about exact street locations are deferred until timing of proposed zone changes.

This is a new Chapter.
For ease of reading, ~~strike through~~ and underline are not used.

33.590.030 Quasi-judicial Zoning Map Amendments

The following additional approval criteria apply to requests for quasi-judicial zoning map amendments within the Vaughn-Nicolai plan district:

- A.** In Subdistricts A and B, the application must demonstrate that either there is no net loss of industrial zoned land as a result of the zoning map amendment or the loss of industrial zoned land is mitigated by providing evidence of no net loss of industrially-zoned land area or contributions to the City of Portland Industrial Land Supply Mitigation Fund at \$X.00 per square foot in an amount corresponding to the land area proposed for zoning map amendment;
- B.** The applicant has provided evidence that the City of Portland has adopted a funding instrument and construction plan for extension of the Portland Streetcar to Montgomery Park (TSP Project No. 60035) or a project that provides another equivalent form of high capacity frequent transit service connecting the Plan District to the Central City; and
- C.** In Subdistrict B, the applicant has submitted a master street plan that demonstrates how requirements of Title 17.88.040 will be met in areas north of NW Roosevelt Street.

Commentary

33.590.100 Purpose

Certain uses in the plan district are prohibited or limited because they conflict with the development of a transit-oriented mixed use district and may compromise the area's multimodal transportation system. The regulations limit conflicting industrial, retail and auto-oriented uses in the mixed use portion of the plan district, foster active uses to support the streetcar transit investment, and help reduce traffic congestion.

33.590.110 Prohibited Uses

The listed uses are prohibited because they conflict with the development of a transit-oriented mixed use district and/or may compromise the area's multimodal transportation system.

33.590.120 Limited Uses

The listed uses are limited in the EX zone because they conflict with the development of a transit-oriented mixed use district and may compromise the area's multimodal transportation system.

Throughout the plan district, the size of retail uses is limited to discourage large-format, retailers, and provide opportunities for smaller business. An exception is made for grocery stores because these uses serve and provide benefits for the local community.

33.590.130 Required Ground Floor Active Use

Active uses are required for a portion of the ground level area of buildings near streetcar stops in order to support the transit investment and create an active transit oriented environment.

Use Regulations

33.590.100 Purpose

The regulations are intended to foster development of a transit-oriented mixed use district. Certain uses in the Vaugh-Nicolai plan district are prohibited or limited because they conflict with the development of a transit-oriented, mixed use district and may compromise the area's multimodal transportation system. Other uses are required near a streetcar alignment in order to create an active transit-oriented district.

33.590.110 Prohibited Uses

The following uses are prohibited in the EX zone:

- A. Vehicle Repair;
- B. Self-Service Storage;
- C. Commercial Outdoor Recreation; and
- D. Agriculture.

33.590.120 Limited Uses

In the EX zone, Retail Sales and Service uses are limited to 20,000 square feet of net building area per use, except for grocery stores, which are limited to 60,000 square feet of net building area per use.

33.590.130 Required Ground Floor Active Use

In the EX zone when any portion of a building is within 200 feet of a streetcar stop, at least 25 percent of the ground level floor area within 200 feet must be in one of the following active uses. For purposes of this plan district, a streetcar stop is a location where streetcar vehicles stop to load or unload passengers. For purposes of measuring, the streetcar stop consists of the station platform. :

- A. Retail Sales and Service;
- B. Office;
- C. Manufacturing and Production;
- D. Community Service;
- E. Daycare;
- F. Religious Institutions;
- G. Schools;
- H. Colleges; and
- I. Medical Centers.

Commentary

33.590.210 Floor Area Ratio

Floor areas are specified within the district to foster urban, mixed use development. Where floor area ratios are not specified, the base zone applies. For some parts of the plan district, and also for some specific uses, floor area ratio maximums and minimums are specified to help address the transition of the district and to foster public benefits.

33.590.210 Maximum floor area ratio

The amount of floor area allowed by-right varies by subdistrict.

- In Subdistricts A, B and D the allowed "base" floor area for Industrial uses is 3:1 but the allowed "base" floor area for non-industrial uses is 1:1. Additional floor area for non-industrial uses may be achieved through bonuses.
- In Subdistrict C the allowed "base" floor area for all uses is 3:1. Additional floor area may be achieved through bonuses.

The ratios are limited in keeping with the provisions of the Guild's Lake plan district which limited office development, and with the new Vaughn-Nicolai plan district vision to create a dense mixed use district that provides housing, affordable housing, employment and public benefits. Additional non-industrial floor area may be earned by construction of affordable housing and through contributions to the affordable housing fund.

33.590.210 Minimum floor area ratio

The minimum required floor area ratio of 1 to 1 is applied within 200 feet of a streetcar alignment to promote dense, transit-oriented development and more fully utilize land.

33.590.220. A Maximum Height

These provisions set the maximum "base" height for different zones within the plan district. Additional height may be achieved through bonuses.

The area within 20 feet of NW Vaughn is subject to a reduced or "step-down" height limit in order to better match the scale of development allowed in Commercial/Mixed-Use zones across the street to the south. The height limit in this step-down area is 45 feet. This step-down limit may be modified through the Planned Development Bonus or a discretionary design review process.

Development Standards

33.590.200 Purpose

These development standards foster a transit-supportive, mixed-use urban character with a high quality pedestrian environment, and an emphasis on good building design. They also promote public benefits, such as affordable housing, affordable commercial space, residential outdoor areas and other open areas that benefit a broad range of community members.

33.590.210 Floor Area Ratio

- A. Purpose.** The regulations of this section calibrate floor area in order to achieve desired uses and development form, facilitate use of bonuses, and encourage a transit-supportive level of development along the streetcar alignment.
- B. Maximum floor area ratio.** The maximum floor area ratio (FAR) allowed is stated below. Additional floor area may be allowed through the bonus options described in 33.590.225. Adjustments are prohibited:
 - 1. Within Subdistricts A, B, and D, in the EX and EG zones, the overall maximum FAR allowed per site is 3 to 1. Within the overall site allowance, the maximum FAR allowed for uses other than industrial is 1 to 1.
 - 2. In Subdistrict C, the maximum FAR allowed per site is 3 to 1.
- C. Minimum floor area ratio.** In the EX and EG zones, on the portion of a site within 200 feet of a streetcar alignment shown on Map 590-2, the minimum floor area ratio is 1 to 1.

33.590.220 Maximum Height

- A.** In the EX and EG zones, the maximum height allowed is 65 feet. Additional height may be allowed through the bonus options described in 33.590.225. Adjustments are prohibited.
- B.** In Subdistrict D, the maximum height allowed within 20 feet of NW Vaughn is 45 feet. Adjustments are prohibited but modifications may be requested through design review or planned development review.

Commentary

33.590.230 Bonus FAR and Height

In general, the bonus FAR and height provisions are intended to promote development that is highly urban in scale while providing community benefits such as affordable housing. The bonuses feature varying floor area and height allowances specific to each subdistrict. The bonuses include the following three options:

- **Inclusionary Housing Bonus:** The inclusionary housing bonus allows additional floor area when a development is subject to mandatory or voluntary inclusionary housing.
- **Affordable Housing Benefit Bonus:** The affordable housing benefit bonus allows additional floor area and height when a development participated in mandatory or voluntary Inclusionary Housing, and an additional fee contribution is made to the Affordable Housing Fund. The amount of additional bonus floor area and height varies by subdistrict. The additional fee amount has not been determined at time of the Discussion Draft publication.
- **Planned Development Bonus:** This provision allows use of the Planned Development bonus in the EX zone in the Vaughn-Nicolai plan district. This is similar to the Planned Development (PD) bonus developed for use in Commercial/Mixed Use zones. The PD Bonus option allows larger scale development on large sites, encourages a transition in scale to adjacent lower-density areas and requires approval through design review. It also links the provision of additional development potential (height and floor area) to the provision of public benefits.

In this plan district, the Planned Development bonus provides additional height and floor area when a development participates in mandatory or voluntary Inclusionary Housing, and an additional fee contribution is made to the Affordable Housing Fund. Inclusionary housing must be provided on-site and additional fee contributions made to the Affordable Housing Fund. The additional fee amount has not been determined at time of the Discussion Draft publication.

In addition the Planned Development Bonus the provisions foster additional public and community benefits such as publicly-accessible open space and energy efficient buildings.

See 33.590,300 for additional Planned Development requirements and process.

33.590.230 Floor Area and Height Bonus Options

The following bonus options allow additional FAR and height. More than one bonus option may be used up to the overall maximum FAR and height stated in Table 590-1. Adjustments to the maximum FAR and height obtainable through bonuses are prohibited.

- A. Inclusionary housing bonus.** Within Subdistricts B, C, and D, the maximum FAR allowed for uses other than industrial uses may be increased as stated in Table 590-1 if one of the following inclusionary housing bonus options is met:
1. **Mandatory inclusionary housing.** Bonus FAR is allowed for development that triggers 33.245, Inclusionary Housing. The amount of bonus floor area allowed is an amount equal to the net building area of the building that triggers 33.245, up to the increment of additional FAR allowed as stated in Table 590-1. To qualify for this bonus, the applicant must provide a letter from the Portland Housing Bureau certifying that the regulations of 33.245 have been met; or
 2. **Voluntary inclusionary housing.** Maximum FAR may be increased as stated in Table 590-1 when one of the following voluntary bonus options is met:
 - a. Bonus FAR is allowed for projects the voluntarily comply with the standards of 33.245.040 and 33.245.050. The amount of bonus floor area allowed is an amount equal to the net building area of the building that complies with 33.245.040 and .050, up to the increment of additional FAR allowed as stated in Table 590-1. To qualify for this bonus, the applicant must provide a letter from the Portland Housing Bureau certifying that the regulations of 33.245 have been met. The letter is required to be submitted before a building permit can be issued for development, but is not required in order to apply for a land use review; or
 - b. Bonus FAR is allowed in exchange for payment into the Affordable Housing Fund. For each square foot of floor area purchased a fee must be paid to the Portland Housing Bureau (PHB). The Portland Housing Bureau collects and administers the Affordable Housing Fund, and determines the fee. PHB determines the fee per square foot and updates the fee at least every three years. The fee schedule is available from the Bureau of Development Services. To qualify for this bonus, the applicant must provide a letter from PHB documenting the amount that has been contributed. The letter is required to be submitted before a building permit can be issued for development, but is not required in order to apply for a land use review.

Commentary

This is a new Chapter.
 For ease of reading, ~~strike through~~ and underline are not used.

- B. Affordable Housing Benefit bonus.** Bonus FAR and height is allowed for projects that meet the requirements of the inclusionary housing bonus option described in Subsection A and contribute to the Affordable Housing Fund. Within Subdistricts A, B, and D, one square foot of floor area is earned for each \$X.00 contributed to the Affordable Housing Fund, up to the increment of additional FAR and the bonus height allowed as stated in Table 590-1. Within Subdistrict C, a contribution of \$X.00 is required for each square foot of floor area located above 65 feet up to the increment of additional height allowed as stated in Table 590-1. Bonus floor area is only allowed for uses other than industrial. To qualify for this bonus, the applicant must provide a letter from the Portland Housing Bureau certifying that the requirements of the inclusionary housing bonus described in Subsection A have been met, and that the contribution to the Affordable Housing Fund required by this bonus has been made.
- C. Planned Development bonus.** Within Subdistricts B, C, and D, bonus floor area and height is allowed for proposals that are approved through a Planned Development, meet the requirements of the inclusionary housing bonus option described in Subsection A, and contribute to the Affordable Housing Fund. See Section 33.590.300. For each \$X.00 contributed to the Affordable Housing Fund, one square foot of bonus floor area is earned up to the increment of additional FAR and the bonus height allowed as stated in Table 590-1. Bonus floor area is only allowed for uses other than industrial. To qualify for this bonus, the applicant must provide a letter from the Portland Housing Bureau certifying that the requirements of the inclusionary housing bonus described in Subsection A have been met, and that the contribution to the Affordable Housing Fund required by this bonus has been made. Any required Inclusionary Housing units must be provided on site. The site must be at least five acres in size to be eligible for this bonus.

Table 590-1 Summary of Bonus FAR and Height				
		Subdistrict A	Subdistricts B & D	Subdistrict C
Overall Maximums				
Maximum FAR with bonus		3 to 1	6 to 1	6 to 1
Maximum height with bonus		65 ft.	75 ft. 130 ft. [1]	75 ft. 130 ft. [1]
Increment of Additional FAR and Height Per Bonus				
Inclusionary Housing (see 33.590.230.A)	FAR Height	NA NA	0.5 to 1 [2] none	2 to 1 none
Affordable Housing Benefit (see 33.590.330.B)	FAR Height	2 to 1 [2] none	3.5 to 1 [2] 10 ft.	none 10 ft. [3]
Planned Development (see 33.590.230.C)	FAR Height	NA NA	5 to 1 [2] up to 65 ft.	3 to 1 [2] up to 65 ft.

[1] This larger overall maximum is only allowed through the Planned Development bonus option and required Planned Development Review.

[2] This increment of bonus FAR is only allowed for uses other than industrial.

[3] In Subdistrict C, the contribution to the Affordable Housing Fund is required for each square foot of floor area located above 65 feet.

Commentary

33.590.235 Minimum Density

The minimum density provisions are intended to require a minimum density of housing when residential uses are developed on a site to ensure dense, urban-scale development. The standard is roughly 87 units per acre and is similar to the density required in the RX zone.

33.590.240 Required Affordable Commercial Space

The affordable commercial space requirement is intended to create affordable commercial spaces within new development. These spaces would be targeted to entrepreneurs and businesses that meet specific criteria and qualify to participate in the affordable commercial space program administered by Prosper Portland.

33.590.235 Minimum Residential Density

- A. Purpose.** The minimum density standards ensure that development capacity is not wasted and that the City's housing goals are met.
- B. Minimum density per site.** The minimum density requirement for residential uses is 1 unit per 500 square feet of site area. Minimum density applies to new development when at least one dwelling unit is proposed.

33.590.240 Required Affordable Commercial Space

- A. Purpose.** This standard promotes an inclusive business district that provides a diversity of business opportunities at a range of affordability levels.
- B. Where this standard applies.** The required affordable commercial space standard applies in Subdistricts B, C, and D on sites zoned EX.
- C. Required affordable commercial space.** When new development or alterations to existing development will add more than 10,000 square feet of net building area to the site, and at least 10,000 square feet of the new or additional net building area will contain commercial uses, a minimum of 1,000 square feet of affordable commercial space must be provided on the site. To comply with this standard, the following must be met:
 - 1. The applicant must provide a letter from the Portland Development Commission certifying that any program administrative requirements have been met; and
 - 2. The property owner must execute a covenant with the City that complies with the requirements of Section 33.700.060. The covenant must ensure that floor area built as affordable commercial space will meet the administrative requirements of the Portland Development Commission or qualified administrator.

Commentary

33.590.245 Ground Floor Windows

These regulations update the ground floor window standards of the EX zone in the plan district such that they are equivalent to the higher window coverage standards developed for the Commercial/Mixed Use zones and the Central City.

33.590.245 Ground Floor Windows

- A. Purpose.** Blank walls on the ground level of buildings are limited in order to:
- Provide a pleasant, rich, and diverse pedestrian experience by connecting activities occurring within a structure to adjacent sidewalk areas;
 - Encourage continuity of retail and service uses;
 - Encourage surveillance opportunities ~~by restricting fortress-like facades~~ at street level;
 - Avoid a monotonous pedestrian environment; and
 - The plan district modifications to the base zone standards for ground floor windows are intended to promote ground floor windows in a larger number of situations than in the base zones and to provide additional flexibility in meeting the standard.
- B. Ground floor windows.** The following ground floor window standards apply in the EX zone. The standards of B.1 and B.2 apply to new development and major remodeling projects. B.3. only applies to major remodeling projects. To meet the standards, ground floor windows must be windows that allow views into work areas or lobbies, or be windows in pedestrian entrances. Windows into storage areas, vehicle parking areas, garbage and recycling areas, mechanical and utility areas and display cases attached to outside walls do not qualify. Windows into bicycle parking areas are allowed to qualify for up to 25 percent of the ground floor windows coverage requirement. The bottom of the windows of nonresidential spaces must be no more than 4 feet above the finished grade:
1. Ground level facades that face a streetcar alignment must have windows that cover at least 60 percent of the ground level wall area. For the purposes of this standard, ground level wall area includes all exterior wall area from 2 feet to 10 feet above the finished grade.
 2. All other ground level facades that face a street lot line, sidewalk, plaza, or other publicly accessible open area or right-of-way must have windows that cover at least 40 percent of the ground level wall area. For street facing facades of dwelling units the regulations of 33.130.230.B.4 apply. For the purposes of this standard, ground level wall area includes all exterior wall area from 2 feet to 10 feet above the finished grade.
 3. Optional artwork. Projects proposing to use artwork as an alternative to the ground floor window requirements may apply for this through the adjustment procedure. Projects may also apply for a modification through design review if they meet the following qualifications. Buildings having more than 50 percent of their ground level space in storage, parking, or loading areas, or in uses which by their nature are not conducive to windows (such as theaters), may be allowed to use the design review process. Artwork and displays relating to activities occurring within the building are encouraged. In these instances, the artwork will be allowed if it is found to be consistent with the purpose for the ground floor window standard.

Commentary

33.590.250 Standards on the Streetcar Alignment

These regulations approximate the standards for development near the Portland Streetcar line as applied in Northwest Portland and the Central City. The standards are designed to:

- Create buildings with more substantial window area to enhance “eyes on the street” and visual appeal;
- Create ground floor spaces that will support active land uses such as commercial/retail;
- Limit surface parking lots and the location where structured parking can occur on a site, to best utilize land; and
- To minimize vehicular conflicts with pedestrians and between transportation modes.

33.590.250 Standards on the Streetcar Alignment

- A. **Purpose.** These regulations reinforce the continuity of the pedestrian-oriented environment, limit the visual impact of parking facilities, and foster development with transit-supportive levels of activity along the streetcar alignment. The standards also help to maintain a healthy urban district with architectural elements and active ground-floor uses that provide visual interest and interrelate with the pedestrian environment.
- B. **Where these regulations apply.** These regulations apply to sites in the EX zone within 200 feet of the streetcar alignment shown on Map 59X-X.
- C. **Required windows above the ground floor.** Windows must cover at least 15 percent of the area of the façade above the ground floor wall area. This requirement is in addition to any required ground floor windows. Ground floor wall areas include all exterior wall areas up to 9 feet above grade.
- D. **Ground floor active use standard.** On sites with frontage on the streetcar alignment shown on Map 59X-X, in order to accommodate active uses such as residential, retail, or office, the ground floor of buildings must be designed and constructed as follows. This standard must be met along at least 50 percent of the ground floor of walls that front onto a streetcar alignment.

Areas designed to accommodate active uses must meet the following standards:

- 1. The distance from the finished floor to the bottom of the structure above must be at least 12 feet. The bottom of the structure above includes supporting beams;
 - 2. The area must be at least 25 feet deep, measured from the street-facing façade;
 - 3. At least 25 percent of the area of the street-facing façade of the portion of the building designed to meet the requirements of this subsection must be windows and doors; and
 - 4. Parking is not allowed in the areas designed to meet the standards of this subsection.
- E. **Location of parking.** To encourage a transit-supportive, pedestrian-oriented environment with a continuous frontage of buildings and active uses, within 260 feet of the streetcar alignment shown on Map 590-2, parking is allowed only as follows:
 - 1. Surface parking is not allowed.
 - 2. Structured parking is allowed only if:
 - a. The finished ceiling is entirely underground;
 - b. The lowest floor of the parking area is 9 feet or more above grade; or
 - c. The parking area is at least 25 feet from the street-facing façade on streetcar alignment frontages.
 - F. **Motor vehicle access.** Motor vehicle access to a vehicle area or structure is not allowed from a streetcar alignment shown on Map 590-2 except when the site has no other street frontage.

Commentary

33.590.255 Urban Green Features

Green elements integrated into the urban environment help to soften the effects of built and paved areas, cool the air temperature, intercept rainfall and reduce stormwater runoff by providing unpaved permeable surface. They may also provide opportunities to grow food and provide habitat for birds and other wildlife. A range of urban green options are provided to address this area's more urban development patterns and characteristics.

These Urban Green Features provisions offer three options to address these desired features:

- 1) Landscaping can be provided on site;
- 2) A combination of large trees and a reduced amount of landscaped area can be provided on site; or
- 3) An ecoroof can be provided on buildings.

33.590.255 Urban Green Features

- A. Purpose.** Green elements integrated into the urban environment help to soften the effects of built and paved areas, cool the air temperature, intercept rainfall and reduce stormwater runoff by providing unpaved permeable surface. They may also provide opportunities to grow food and provide habitat for birds and other wildlife. A range of urban green options are provided to address this area's more urban development patterns and characteristics.
- B. Where these options apply.** The standard applies to new development and alterations to development in the EX zone when more than 10,000 square feet of floor area will be added to a site.
- C. Urban green features standard.** Development must include at least one of the following:
1. Landscaped area. A minimum of 15% of a site area must be landscaped. Any required landscaping, such as for required setbacks or parking lots, applies towards meeting the minimum amount of required landscaped area. Sites developed with a house, attached house or duplex are exempt from the required minimum landscaped area standard. The following apply:
 - a. Landscaped areas must be at ground level and comply with at least the L1 standard described in Chapter 33.248, Landscaping and Screening, or be a vegetated stormwater management facility that meets minimum Bureau of Environmental Services stormwater management requirements. Up to one-third of the landscaped area may be improved for active or passive recreational use. Examples of active or passive recreational use include walkways, play areas, plazas, picnic areas, garden plots, and unenclosed recreational facilities.
 - b. Landscaped areas raised above ground level may be used to meet the minimum landscaped area standard when landscaped to at least the L1 standard and soil depth is a minimum of 30 inches.
 - c. Up to 25 percent of the required landscaped area may be improved for pedestrian use, such as walkways and plazas, if the area is surfaced with pervious pavement approved by the Bureau of Environmental Services as being in compliance with the Stormwater Management Manual. If this provision is used, no impervious surfaces can be counted toward meeting the minimum landscaped area standard.
 2. Space for large trees. At least 10 percent of total site area must be provided as outdoor area with no dimension less than 30 feet in any direction. At least half of this outdoor area must be landscaped to at least the L1 level and the remainder may be hard surfaced for use by pedestrians. At least half of the trees provided to meet the L1 standard must be large tree species. Large trees are defined in Section 33.248.030, Plant Materials.
 3. Ecoroof. An ecoroof must be provided that is equivalent in total area to at least 60 percent of the total building footprint of new buildings on the site. The ecoroof area must be approved by the Bureau of Environmental Services as being in compliance with the Stormwater Management Manual's *Ecoroof Facility Design Criteria*.

Commentary

33.590.260 Required Outdoor Areas

Outdoor space is not currently required for residential development in the EX zone. The proposed standards use the same minimum square feet per unit requirement that applies in Commercial/Mixed Use zones. This requirement provides for outdoor open spaces or indoor community facilities for residents of new developments. This implements Comprehensive Plan policy to promote healthy, active living and access to outdoor space.

Required residential outdoor areas can be provided in the form of private outdoor spaces, shared outdoor areas, indoor community or recreation spaces, or combinations of these.



Examples of residential outdoor areas in the form of individual balconies (left) and shared outdoor space (right).

33.590.260 Required Outdoor Areas

- A. Purpose.** The required outdoor areas standards ensure opportunities for residents to have on-site access to outdoor space for recreation, relaxation, natural area, or growing food. Required outdoor areas are an important aspect for addressing the livability of a property with residential units by providing residents with opportunities for outdoor activities, some options for outdoor privacy, and a healthy environment. The standards ensure that outdoor areas are located so that residents have convenient access. These standards also allow for outdoor area requirements to be met by indoor community facilities because they provide opportunities for recreation or gathering.
- B. Requirements.**
1. Amount required:
 - a. On sites that are up to 20,000 square feet in total area, at least 36 square feet of outdoor area is required for each dwelling unit on the site;
 - b. For sites that are more than 20,000 square feet in total area, at least 48 square feet of outdoor area is required for each dwelling unit on the site.
 2. Size, location and configuration. Required outdoor area may be provided as individual, private outdoor areas, such as patios or balconies, or as common, shared areas, such as outdoor courtyards and play areas, or indoor recreational facilities or community rooms. There also may be a combination of individual and common areas.
 - a. Individual unit outdoor areas. Where a separate outdoor area is provided for an individual unit, it must be designed so that a 4-foot by 6-foot dimension will fit entirely within it. The outdoor area must be directly accessible to the unit. Balconies that extend over street right-of-way count towards meeting this standard. Areas used for pedestrian circulation to more than one dwelling unit do not count towards meeting the required outdoor area. If the area is at ground level it may extend up to 5 feet into a required front setback, and may extend into required side and rear setbacks as long as the area is not closer than 5 feet to a lot line abutting an RF through RM4 zoned lot.
 - b. Common areas. There are two types of common area:
 - (1) Outdoor common area. Where outdoor areas are common, shared areas, each area must be designed so that it is at least 500 square feet in area and must measure at least 20 feet in all directions. The outdoor common area must be located within 20 feet of a building entrance providing access to residential units.
 - (2) Indoor common area. Where an indoor common area is provided, it must be an indoor recreational facility or an indoor tenant community room. Indoor common areas that are not recreational facilities or community rooms, such as lobbies, hallways, laundry facilities, storage rooms, and vehicle or bicycle facilities, cannot be used to meet this requirement.

Commentary

33.590.265 Off-Site Impacts Standards

The off-site impacts standards are intended to:

- Provide information to new residents and businesses that they are moving to an area that is transition from, and proximate to, heavy industrial uses. Industrial uses may create noise, odors, and other forms of nuisance impacts that new residents and users should be aware of; and
- Provide building design features that can reduce the noise impacts of nearby industrial uses.

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For ease of reading, ~~strike through~~ and underline are not used.

- c. Combination of individual and common areas. Where a combination of individual unit and common areas is provided, each individual area must meet Subparagraph B.2.a and each common area must meet B.2.b above, and together must provide a total amount of space equivalent to the combined amount of outdoor area required for each dwelling unit.
3. Surfacing materials. Required outdoor areas must be surfaced with lawn, pavers, decking, or sport court paving which allows the area to be used for active or passive recreational use.
4. User amenities. User amenities, such as tables, benches, trees, shrubs, planter boxes, garden plots, drinking fountains, spas, or pools, may be placed in the outdoor area. Common, shared outdoor areas may also be developed with amenities such as play areas, plazas, roof-top patios, picnic areas, and open recreational facilities.

33.590.265 Off-Site Impacts Standards

A. Industrial impacts disclosure statement.

1. Purpose. This requirement is intended to ensure that people who choose to live or work in the district are aware of the potential impacts, such as noise, vibration, odors, glare, and heavy truck traffic that stem from nearby industrial and employment uses.
2. Disclosure statement required. Prior to the issuance of a building permit for a new building that will contain a Household Living, Retail Sales And Service, or Office use, and for alterations to an existing building that contains a Household Living, Retail Sales And Service, or Office use, the owner of the property must sign and record a copy of the City's Industrial Impacts Disclosure Statement. The statement must be recorded in the records of Multnomah County. The statement acknowledges that the property is located near industrial and employment uses, and signifies the owner's awareness of the associated nuisance impacts including noise, odor and light levels. The statement is available in the Development Services Center. After the permit is finalized, the property owner must provide a copy of the disclosure statement to every tenant or buyer, and post a copy of the disclosure statement on the premises in a location that is accessible to all tenants.

B. Noise insulation.

1. Purpose. Noise insulation is required in order to protect homes located near industrial areas from potential noise impacts generated by industrial operations.
2. Where this standard applies. The noise insulation standard applies in the EX zone to sites that have a lot line that abuts or is across the street from an IH or IG zone.
3. Noise insulation standard. All new dwelling units must be constructed with sound insulation or other means to achieve a day/night average noise level of 45 dBA. An engineer registered in Oregon who is knowledgeable in acoustical engineering must certify that the building plans comply with the standard for noise insulation prior to issuance of a building permit. Garages or other attached accessory structures that do not include living space are exempt from this standard.

Commentary

33.590.270 Street and Pedestrian Connections

This code section highlights that additional requirements for street and pedestrian/bicycle connections are regulated by the Bureau of Transportation.

33.590.280 Transportation and Parking Demand Management

The purpose statement describes the need and rationale for the Transportation Demand Management (TDM) requirements. TDM plans are intended to reduce trips by automobiles and encourage use of alternative transportation modes. They may also reduce the need for vehicle ownership and corollary parking demand.

These regulations explain the thresholds and procedure for a TDM plan for development in the plan district. A TDM plan will be required of developments and alterations that result in 10 or more new residential units on a site or the addition of over 20,000 square feet of commercial space. For residential uses, the TDM requirements will allow an applicant/building manager to adopt a pre-approved "off the shelf" TDM plan (per Title 17). As an alternative, an applicant may choose to develop a custom TDM plan through a Transportation Impact Review (see 33.852).

In general, pre-approved TDM plans are expected to consist of the following:

- **Education and Information:** Education and information about walking, bicycling, and transit.
- **Multimodal Incentives:** A financial incentive for transit, bicycling, and walking to tenants and employees; these could include low cost transit passes, car share memberships, bike/walk incentives, or other benefits that can shift travel behavior.
- **Surveys:** Building operators will be required to participate in surveys monitoring how well strategies are working.

33.590.270 Street and Pedestrian Connections

Additional requirements for street and pedestrian/bicycle connections are regulated by the Bureau of Transportation. See Section 17.88.040, Through Streets, of the Portland City Code.

33.590.280 Transportation and Parking Demand Management

- A. Purpose.** Transportation and parking demand management (TDM) encompasses a variety of strategies to encourage more efficient use of the existing transportation system, and reduce reliance on the personal automobile. This is achieved by encouraging people through education, outreach, financial incentives, and pricing to choose other modes, share rides, travel outside peak times, and telecommute, among other methods. Effective TDM also incorporates management of parking demand. Transportation and parking demand management strategies help reduce traffic congestion, reduce the amount of money that must be spent to expand transportation system capacity, improve air quality, and ensure road capacity is available for those who need it most.
- B.** A TDM plan is required when new development includes a building with 10 dwelling units or more than 20,000 square feet of commercial use, or an alteration to existing development includes the addition of more than 10 dwelling units or more than 20,000 square feet of commercial use within a building. To meet the TDM standard, the applicant must choose one of the following:
 - 1. Go through the Transportation Impact review process set out in chapter 33.852; or
 - 2. Meet the objective standards of Title 17.107 as verified by the Portland Bureau of Transportation.

Commentary

33.590.290 Parking

Parking regulations are designed to achieve the following:

- Parking ratios in Table 590-2 are intended to reduce the amount of vehicle parking allowed for certain types of land uses in the EX zone in this new transit-oriented district. These standards are generally similar to those used in the Pearl District within the Central City, or Standard A in Table 266-2. Where a use or ratio is not specified, the regulations of 33.266 apply.
- Limit the number of surface parking spaces in areas where surface parking is allowed. Uses and sites that typically cannot support structured parking such as industrial uses and small sites are exempt from this limitation.

33.590.290 Parking

- A. Purpose.** The parking and access regulations manage the supply of off-street parking to improve mobility, promote the use of alternative modes, support existing and new economic development, maintain air quality, and enhance the urban form of the plan district area.
- B. Where these regulations apply.** The regulations of this section apply to sites in the EX zone.
- C. Parking.** The regulations of this subsection apply to all parking.
 - 1. Minimum required parking spaces. No minimum parking is required.
 - 2. Maximum allowed parking. The maximum number of parking spaces allowed is stated in Table 590-X.
 - 3. Surface parking limitation. No more than 25 percent of the total number of parking spaces on a site can be in surface parking. Industrial uses and sites 20,000 square feet or less in total site area are exempt from this requirement.

Table 590-2		
Maximum Parking Spaces Allowed in the EX Zone		
Use Categories	Specific Uses	Maximum Parking Spaces Allowed
Residential Categories		
Household Living		1 per unit, except SROs exempt
Group Living		1 per 4 bedrooms
Commercial Categories		
Retail Sales And Service	Retail, personal service, repair oriented	1 per 500 sq. ft. of net building area
	Restaurants and bars	1 per 250 sq. ft. of net building area
	Health clubs, gyms, lodges, meeting rooms, and similar. Continuous entertainment such as arcades and bowling alleys	1 per 330 sq. ft. of net building area
	Temporary lodging	1 per rentable room; for associated uses such as restaurants, see above
	Theaters	1 per 4 seats or 1 per 6 feet of bench area
Commercial Categories		
Office	General office	1.5 per 1000 sq. ft. of net building area
	Medical/Dental office	1.5 per 1000 sq. ft. of net building area
Quick Vehicle Servicing		Not applicable
Vehicle Repair		Not applicable
Commercial Parking		None
Self-Service Storage		Not applicable
Commercial Outdoor Recreation		Not applicable
Major Event Entertainment		Per CU review

Commentary

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Table 590-2 Maximum Parking Spaces Allowed in the EX Zone		
Use Categories	Specific Uses	Maximum Parking Spaces Allowed
Industrial Categories		
Manufacturing And Production		1 per 750 sq. ft. of net building area
Warehouse And Freight Movement		1 per 750 sq. ft. of net building area for the first 3,000 sq. ft. of net building area and then 1 per 3,500 sq. ft. of net building area thereafter
Wholesale Sales, Industrial Service		1 per 750 sq. ft. of net building area
Bulk Fossil Fuel Terminals		not applicable
Railroad Yards		not applicable
Waste-Related		not applicable
Institutional Categories		
Basic Utilities		None
Community Service		1 per 500 sq. ft. of net building area
Parks And Open Areas		Per CU review for active areas
Schools	Grade, elementary, middle, junior high	1 per classroom
	High school	7 per classroom
Medical Centers		1 per 500 sq. ft. of net building area
Colleges		1 per 600 sq. ft. of net building area exclusive of dormitories, plus 1 per 4 dorm rooms
Religious Institutions		1 per 100 sq. ft. of main assembly area
Daycare		1 per 500 sq. ft. of net building area
Other Categories		
Agriculture		Not applicable
Aviation		Per CU
Detention Facilities		Per CU
Mining		Not applicable
Radio Frequency Transmission Facilities	Personal wireless service and other non-broadcast facilities	None
	Radio or television broadcast facilities	2 per site
Rail Lines & Utility Corridors		None

Commentary

33.590.300 Planned Development Review

This provision includes the requirements for Planned Developments in the Vaughn-Nicolai plan district area. They generally mirror the requirements of Planned Developments as they are applied for the Planned Development (PD) bonus in Commercial/Mixed Use zones, and incorporate provisions from 33.270 and 33.854.

This type of Planned Development is intended to allow flexibility in terms of height, layout, phasing and other development parameters through a design review process. The additional height granted allows flexibility to better use allowable bonus floor area, and the design review process is intended to ensure that arrangement of the buildings create a pleasing and coherent development that incorporates required features and also addresses transitions/conditions at the edges of the PD area.

The intent of the provision as applied in the Vaughn-Nicolai plan district area is to allow Planned Developments only on sites over five acres, subject to the following required features of the Planned Development:

- A majority of the floor area on the Planned Development site is in residential use;
- Inclusionary Housing requirements are met on-site; and additional affordable housing benefits are provided by additional fee contributions to the Affordable Housing Fund;
- A minimum of 15% of the Planned Development area must be set-aside and developed as privately-owned, publicly accessible park, plaza or open space (in addition to Outdoor Area required by 33.590.260); and
- New building on-site must meet a higher standard of energy efficiency as described in Administrative Rule ENN-5.10, Energy Efficient Building Requirements for Planned Development Bonuses.

All Planned Development reviews are to be conducted by the Portland Design Commission in a Type III process, which requires a public hearing. An approved Planned Development will provide the framework for development of the site, however individual buildings would be reviewed individually, using the allowed design review approach, at time of development.

33.590.300 Planned Development

A. Purpose. The Planned Development regulations provide an opportunity for innovative and creative development. Planned Development provides a master planning mechanism for allowing bonus floor area and increased height on large sites and the transfer of floor area to different portions of a site, and across internal zoning boundaries. In this case, the flexibility is allowed when the development includes features that provide public benefits. Overall, a Planned Development is intended to promote:

- High quality design that is integrated into the broader urban fabric, and complements existing character within the site and adjacent to the site;
- Development that is pedestrian-oriented, with a strong orientation towards transit and multimodal transportation alternatives;
- Building bulk, height, and orientation that ensures that light and air is accessible within the public realm, and that public view corridors are protected;
- A safe and vibrant public realm, with buildings and uses that are oriented to activate key public gathering spaces, be they public open space, transit stations, or the Willamette River;
- Open space areas that include gathering spaces and passive and/or active recreation opportunities;
- Affordable housing; and
- Energy efficient development.

B. Additional allowed development. The following development may be requested through Planned Development Review. More than one of these elements may be requested:

1. Additional height and FAR. Additional height and FAR may be requested through a Planned Development as specified in 33.590.230.C, Planned Development Bonus, and Table 595-1;
2. Transfer of development within a site. If the site is located in more than one zone, and all the zones are E zones, the total amount of floor area allowed on the site is calculated by adding up the amount of floor area allowed by each zone. The floor area may be placed without regard to zone boundaries;
3. Transfer of development between sites. Floor area may be transferred between sites. The sites are not required to be abutting. In addition, floor area transfers are subject to the following requirements:
 - a. The sending site must not be a Historic or Conservation landmark or a contributing resource in a historic or a conservation district; and
 - b. The property owner(s) must execute a covenant for both sites. The covenants must comply with the regulations of 33.700.060, must be recorded with the deeds for each site, and must reflect the existing floor area on each site and the respective increase and decrease of potential floor area.
4. Modification of site-related development standards. Modification of site-related development standards that are not prohibited from being adjusted may be requested through a Planned Development.

Commentary

- A. Review procedure.** Proposals that are using the Planned Development bonus are processed through a Type III procedure.
- B. Supplemental application requirements.** In addition to the application requirements of Section 33.730.060.D, the following information is required for a Planned Development application:
1. The boundaries of the area to be included in the Planned Development. The area must include all contiguous lots that are owned by the same person, partnership, association, or corporation. This also includes lots that are in common ownership but are separated by a shared right-of-way;
 2. An urban design and development framework plan showing:
 - a. The location of existing and proposed structures;
 - b. Proposed land uses including areas with active ground floor uses;
 - c. A three dimensional massing diagram that identifies the maximum proposed building envelope for each building site, including maximum proposed building dimensions, height, and floor area allocations;
 - d. Sections, sectional elevations, and perspectives that illustrate the relationship of existing and proposed development on the site to the urban form of the surrounding neighborhood in terms of building height and massing;
 - e. The allocation of any required affordable housing if there will be more than one building;
 - f. The location, design and programming of plazas, parks or open areas; and
 - g. Relationships and transitions to adjacent properties and the neighborhood;
 3. A transportation and circulation plan showing:
 - a. Proposed pedestrian, bicycle, and vehicle circulation system that meet City of Portland connectivity standards, including locations where the circulation system connects to public right-of-way outside of the site,
 - b. Transit service lines and stops within and immediately adjacent to the site;
 - c. Locations of right-of-way to be vacated or dedicated within the site; and
 - d. Vehicle and bicycle parking and any parking access points;
 4. Transportation and parking demand management strategies;
 5. If the proposed Planned Development involves the transfer of floor area, information about the location of the receiving and sending lots, the ownership of the lots, and amount of floor area to be transferred and retained at each lot must be included;
 6. A stormwater management plan;
 7. A phasing plan including proposed development phases, probable sequence for proposed developments, estimated dates, and interim uses of property awaiting development; and
 8. A Project narrative describing how the proposal meets applicable design guidelines.

Commentary

C. Approval Criteria.

1. Urban design and development framework.
 - a. The proposed overall scheme and site plan provide a framework for development that meets applicable design guidelines and will result in development that complements the surrounding area;
 - b. Scale and massing of the development addresses the context of the area, including historic resources, and provides appropriate scale and massing transitions to the adjacent uses and development specifically at the edges of the Planned Development area;
 - c. Proposed plazas, parks, or open areas are well located to serve the site and public, and are designed to address safety and comfort of users; and
 - d. The site plan promotes active ground floor uses on key streets to serve the development and surrounding neighborhood.
2. Transportation system. The transportation and circulation system provides multimodal connections that support the development of the site, and limit impacts to adjacent neighborhoods.
3. Stormwater Management. The Planned Development meets the requirements of the Stormwater Management Manual or describes a phased approach to meet the requirements.
4. Phasing Plan. The Planned Development establishes coordinated phasing of development that demonstrates how the site will be developed over time and how any required development elements of 33.590.300.D will be met.
5. Site Design. Configure the site and development to visually integrate both the natural and built features of the site and the natural and built features of the surrounding area. Aspects to be considered include:
 - a. Orienting the site and development to the public realm, while limiting less active uses of the site such as parking and storage areas along the public realm. Public realm includes adjacent streets as well as plazas and common open areas that are accessible from the street;
 - b. Preservation of natural features on the site, such as stands of trees, water features or topographical elements;
 - c. Inclusion of architectural features that complement positive characteristics of surrounding development, such as similar building scale and style, building materials, setbacks, and landscaping;
 - d. Mitigation of differences in appearance through means such as setbacks, screening, landscaping, and other design features;
 - e. Minimizing potential negative effects on surrounding residential uses; and
 - f. Preservation of any City-designated scenic resources.

Commentary

This is a new Chapter.
For ease of reading, ~~strikethrough~~ and underline are not used.

6. Additional approval criteria for modifications of site-related development standards. The following criteria apply to modifications of site-related development standards. These modifications are done as part of a Planned Development review and do not have to go through the adjustment process. Modifications to development standards for which adjustments are prohibited may not be considered. The modification will be approved if the following approval criteria are met:
 - a. Better meets approval criteria. The resulting development will better meet the applicable approval criteria of Section 33.854.310; and
 - b. Purpose of the standard. On balance, the proposal will be consistent with the purpose of the standards for which a modification is requested.
- D. Additional requirements.** Planned developments in the Vaughn-Nicolai plan district must meet the following additional requirements:
1. Minimum required residential use. Residential uses must comprise at least 60 percent of the total floor area of the Planned Development area.
 2. Affordable housing. Required Inclusionary Housing units must be provided on site; required additional fee contributions to the Affordable Housing Fund must be made at time of building permit.
 3. Plaza or park. At least 15 percent of the total Planned Development site area must be developed as a publicly accessible plaza or park. The proposed plaza or park must meet the following standards:
 - a. The plaza or park must be:
 - (1) Located outside on the site;
 - (2) Located adjacent to a public street; and
 - (3) Open and accessible to the public from 7am to 9pm. The property owner must record an easement for the plaza or park that provides for unrestricted public access from 7am to 9pm;
 - b. The plaza must have a minimum dimension of 50 feet by 50 feet;
 - c. Open space used to meet required residential outdoor area standards cannot be used to meet this requirement;
 - d. Building walls abutting the plaza or park must meet the ground floor window standard in 33.130.230.B.2.a, and there must be at least one building entrance facing the plaza or park; and
 - e. The property owner must execute a covenant with the City ensuring the preservation, maintenance, and continued operation of the plaza or park. The covenant must comply with the requirements of Section 33.700.060.

Commentary

This is a new Chapter.
For ease of reading, ~~strike through~~ and underline are not used.

4. Energy efficient buildings. All buildings, except for accessory structures, within the Planned Development site, must meet the energy efficiency requirements of the Bureau of Planning and Sustainability: ENN-5.10, Energy Efficient Building Requirements for Planned Development Bonuses.
5. Design Review. All development within the Planned Development site must be approved through design review or meet the design standards in 33.420.050 as follows. Development associated with a plaza or park required by Subsection B must go through design review and is not eligible to use the design standards:
 - a. The Design overlay zone design standards provide an alternative process to design review for some proposals. Proposals that are within the maximum limits stated in Table 590-3 are allowed to use the objective standards of Section 33.420.050. The applicant may choose to go through the design review process set out in Chapter 33.825, Design Review, if more flexibility than provided by the standards is desired.
 - b. Proposals that are not allowed to use the Design overlay zone design standards, or do not meet the design standards, must go through the design review process.

Table 590-3	
Maximum Limits for Use of the Design Standards [1]	
	Maximum Limit
New Floor Area	20,000 sq. ft. of floor area
Exterior Alterations	<ul style="list-style-type: none">• For street facing facades less than 3,000 square feet, alterations affecting less than 1,500 square feet of the façade.• For street facing facades 3,000 square feet and larger, alterations affecting less than 50% of the facade area.

Notes: [1] There are no maximum limits for proposals where over 50% of the floor area is in residential use and total height is 75 feet or less.

Commentary

Map 590-1

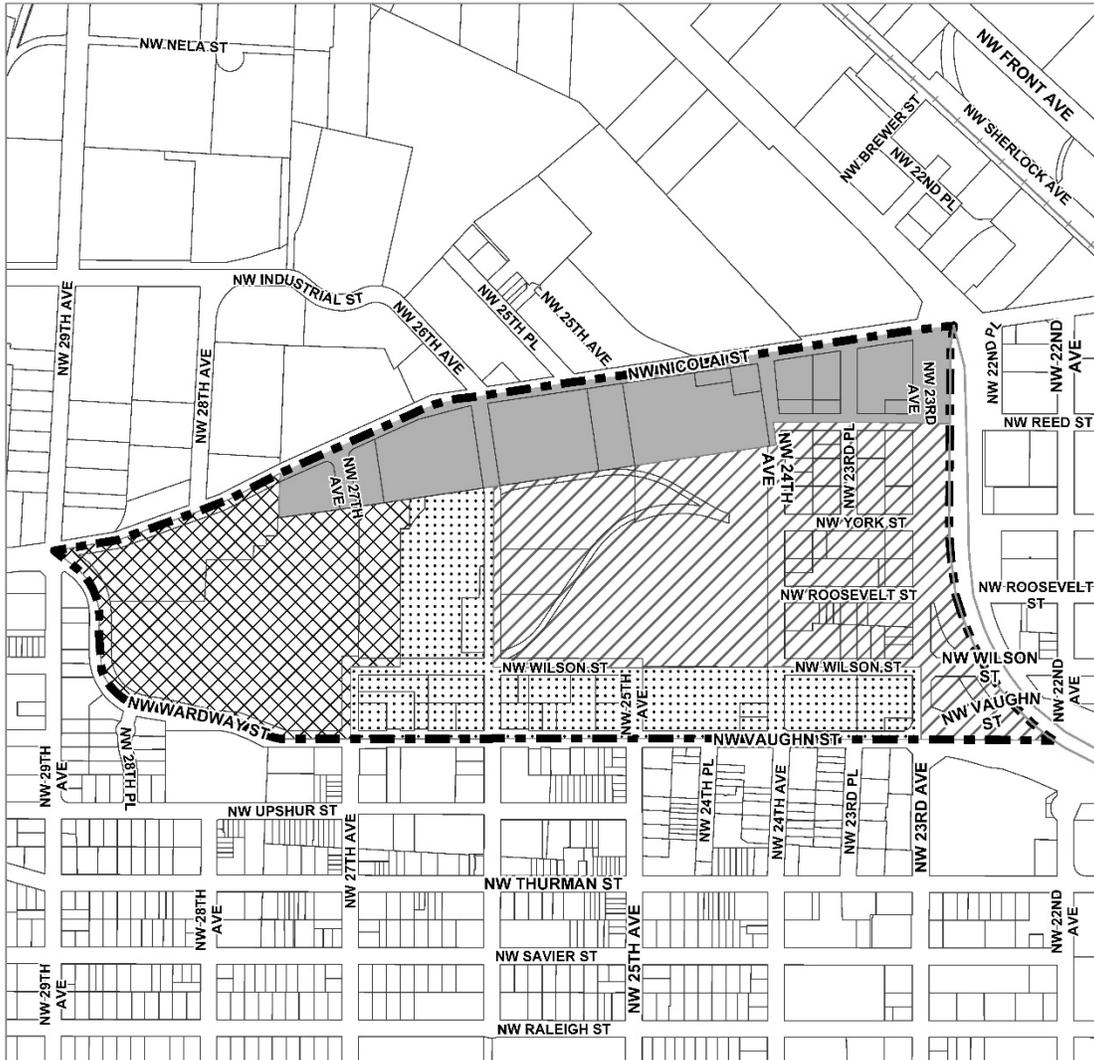
This map shows the new Vaughn-Nicolai plan district and Subdistricts.

This is a new Chapter.
For ease of reading, ~~strike~~through and underline are not used.

Vaughn-Nicolai Plan District

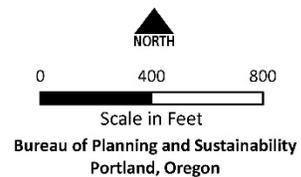
Map 590-1

Map Revised Xxxxx XX, 202X



Legend

- Plan District Boundary
- Subdistrict A
- Subdistrict B
- Subdistrict C
- Subdistrict D



Commentary

Map 590-2

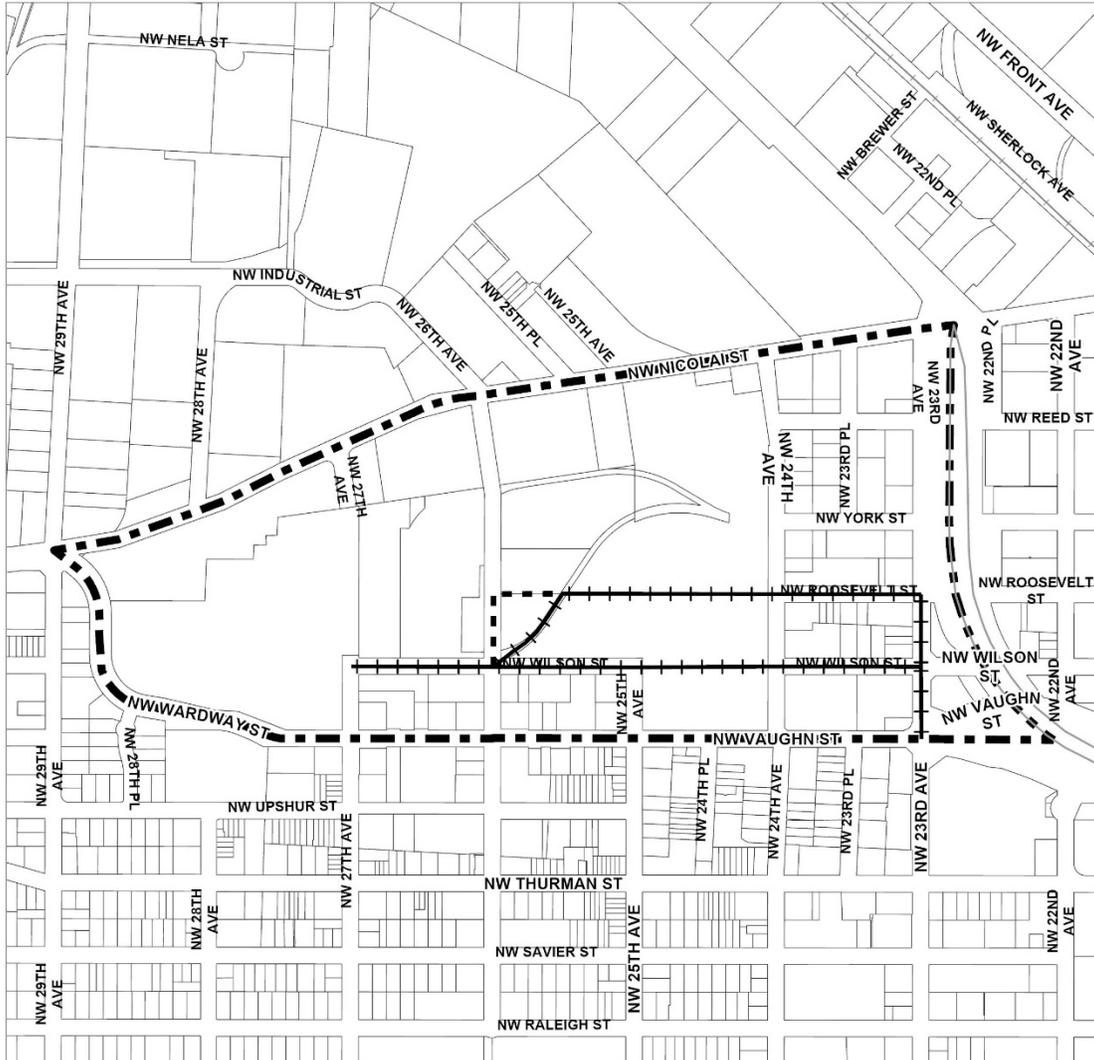
This map shows the new Vaughn-Nicolai plan district and areas where streetcar-oriented regulations apply.

This is a new Chapter.
For ease of reading, ~~strike~~through and underline are not used.

Vaughn-Nicolai Plan District Streetcar Alignment

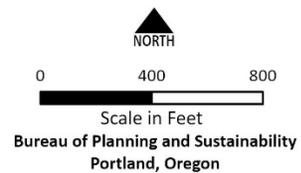
Map 590-2

Map Revised Xxxxx XX, 202X



Legend

-  Plan District Boundary
-  Streetcar Alignment
-  Streetcar Alignment (Alternate)



Commentary

33.720.020 Quasi-Judicial Land Use Reviews

This amendment identifies the Portland Design Commission as the body to conduct the planned development land use review for projects that pursue the Planned Development Bonus option in the Vaughn-Nicolai plan district.

33.720 Assignment of Review Bodies

720

33.720.020 Quasi-Judicial Land Use Reviews

Quasi-judicial land use reviews are assigned to the review bodies stated below.

A.-B. [No change]

C. Design Commission. The following land use reviews, when subject to a Type III procedure or when they are appeals of a Type II procedure, are assigned to the Design Commission:

1. Design review, except as provided for in Paragraph D.2 below;
2. Adjustments in a Design zone, except historic districts and historic landmarks;
3. Adjustments associated with a design review required by City Council outside of a Design zone;
4. Reviews in the Central City plan district for height and FAR bonuses and transfers; and
5. South Waterfront Greenway Reviews in the South Waterfront subdistrict of the Central City plan district; and
6. Planned developments in the commercial/mixed use zones using the Planned Development Bonus provisions of 33.130.212.E; ~~and~~
7. Planned developments in the Vaughn-Nicolai plan district using the Planned Development Bonus provisions of 33.590.230.C; and
- ~~87.~~ Central City Master Plan reviews.

Contact

Barry Manning

Project Manager

barry.manning@portlandoregon.gov

About City of Portland Bureau of Planning and Sustainability

The Bureau of Planning and Sustainability (BPS) develops creative and practical solutions to enhance Portland's livability, preserve distinctive places, and plan for a resilient future.



THE BUREAU OF **PLANNING
& SUSTAINABILITY**

<http://portland.gov/bps>

503-823-7700

bps@portlandoregon.gov